

# CITY OF ALBUQUERQUE

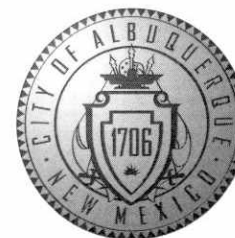
PLANNING DEPARTMENT

URBAN DESIGN & DEVELOPMENT DIVISION

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## OFFICIAL NOTIFICATION OF DECISION

November 10, 2017

Wilson and Company  
4900 Lange Ave NE.  
ABQ, NM 87109

### Project #1010582

16EPC-40077 Zone Map Amendment (Zone Change)

16EPC-40078 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above actions for all or a portion of northerly portion of Tract 107B1A1, Tract 107B1A1 excluding portion to right-of-way & excluding a northerly portion, Tract 107B1A2 excluding portion to right-of-way, Tract in the SW corner-Tract 107B1B, Tract 108A3A1A, Tract 108A3A1B, and Tract 108A3B, Tracts 108A1A2B1B & 108A1A2B2, Tract 108A1A2B1A, Tract 107B2A2 excluding portion to the right-of-way, Tract 107B2A1 excluding portion to the right-of-way, MRGCD MAP #33, zoned M-1 to SU-1 for M-1, Solid Waste Transfer Station and Convenience Center and Household Hazardous Waste Collection, located on Edith Blvd., NE, between Comanche Rd., NE and Rankin Rd. NE, containing approximately 22 acres. (G-15) Staff Planner: Maggie Gould (**Deferred from the January 12, 2017 Hearing**)

PO Box 1293

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NM 87103

On November 9, 2017 the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL Project 1010582/16EPC-40077, a Zone Map Amendment (Zone Change) and 16EPC-40078, a Site Development Plan for Building Permit, to the City Council based on the following findings and subject to the following Condition for recommendation of approval:

### FINDINGS 16EPC-40077 Zone Map Amendment (Zone Change):

1. This is a request for a Zone Map Amendment from M-1 to SU-1 for M-1, Solid Waste Transfer Station and Convenience Center and Household Hazardous Waste Collection for all or a portion of the northerly portion of Tract 107B1A1, Tract 107B1A1 excluding portion to right-of-way & excluding a northerly portion, Tract 107B1A2 excluding portion to right-of-way, Tract in the SW corner-Tract 107B1B, Tract 108A3A1A, Tract 108A3A1B, and Tract 108A3B, Tracts 108A1A2B1B & 108A1A2B2, Tract 108A1A2B1A, Tract 107B2A2 excluding portion to the right-of-way, Tract 107B2A1 excluding portion to the right-of-way, MRGCD MAP #33 located on Edith Blvd, between Comanche RD and Rankin Rd and containing approximately 22 acres.

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2. The applicant proposes to amend the zoning to allow the development of a City Solid Waste Facility, including Transfer Station, Convenience Center, Recycling and Household Hazardous Waste Collection
3. A request for a Zone Map Amendment and Site Development Plan for Building Permit was heard by the EPC in October of 2015. The EPC approved the request, but that decision was appealed and ultimately remanded by City Council back to EPC. The case was withdrawn before a remand hearing occurred. After the withdrawal, the applicant asked for a declaratory ruling regarding the permissibility of transfer station use in the M-1 zone. The Zoning Official issued a ruling in June of 2016 stating that the proposed transfer station, while not specifically enumerated in the Code was a permissive use in the M-1 zone. This ruling was appealed and City Council found, in October of 2016, that the use was not specifically listed in the M-1 zone as a permissive use. The Council further held that the use does not fall within any listed permissive uses, and also that the use is not sufficiently similar and compatible to other permissive uses such that the use may be deemed permissive. Because of this determination Council, the applicant is now seeking the current zoning change to the proposed SU-1 zone.
4. A Site Development Plan for Building Permit (16 EPC 40078) is heard concurrently with request pursuant to the requirements of the SU-1 zone.
5. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The subject site is within the Central Urban Area within the Established Urban Area of the Comprehensive Plan. The request is in general compliance with the following applicable goals and policies of the Comprehensive Plan:

### **Central Urban Area**

- A. Policy II.B.6.a.: New public, cultural, and arts facilities should be located in the Central Urban Area and existing facilities preserved.

Policy II.B.6.a. is furthered because the project replaces outdated and inefficient public buildings with new public buildings that are energy efficient, state of the art and aesthetically pleasing. The zone change will facilitate development of new educational programs.

### **Established Urban Area**

- B. Policy II.B.5.d.: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

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Policy II.B.5.d is furthered because the uses permitted under the proposed zoning are generally consistent with current adjacent and surrounding manufacturing, industrial and commercial uses. There are no residential neighborhoods directly adjacent to the subject site (the closest neighborhood is approximately 1,300 feet west of the site). The non-conforming dwelling units at the northeast corner of Rankin Rd and Edith Blvd are located in Bernalillo County, approximately 100-ft from the City's property line; further these units are buffered from the subject property by existing buildings and a proposed block wall. The proposed Site Development Plan for Building Permit also includes a new ponding area to protect the Alameda Lateral ditch from runoff and to stabilize the slopes of the ditch. The new proposed buildings and landscaping are expected to improve the visual quality of the area.

- C. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Policy II.B.5.e. is furthered because the subject site has access to a full range of existing urban services and infrastructure. The subject site contains existing Solid Waste Management Services such as maintenance facilities, an administrative building, bin repair and parking for collection trucks and employees. As noted in B above, there are no residential neighborhoods directly adjacent to the subject site (the closest neighborhood is approximately 1,300 feet west of the site). The non-conforming residential units at the northeast corner of Rankin Rd and Edith Blvd are approximately 100-ft from the City's property line, and are buffered by existing buildings and a proposed block wall. The proposed new buildings are within the existing foot print of the subject site and do not expand the use into existing residential neighborhoods. Accordingly, the integrity of existing neighborhoods is not anticipated to be undermined.

- D. Policy II.B.5.g.: Development shall be carefully designated to conform to topographical features and include trail corridors in the development where appropriate.

Policy II.B.5.g is furthered because the site's slope from east to west was taken into consideration. The ponding area is located in the northwest corner of the site.

- E. Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Policy II.B.5.i. is furthered because the proposed transfer station location is in an existing industrial area, the site design uses quick close doors, misting and air filtration to mitigate the potential adverse effects and impacts of the proposed use on the surrounding area. Traffic will occur primarily in off-peak hours; trucks will access the site from Comanche Road and I-25, opposite from the direction of the existing neighborhoods. Additionally, the required Site Development Plan process provides certainty regarding development on the site.

- F. Policy II.B.5.k.: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

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Policy II.B.5.k is furthered because the truck traffic is routed along Comanche Road, not through the neighborhoods to the west; the Traffic Impact Analysis completed by the applicant shows that the new trips created by the expansion of the existing facility will occur primarily in the off-peak hours. Additionally the access point from Edith Blvd. will be shifted to the south; this is expected to improve the function of the signalized intersection at Edith Blvd and Comanche road. These combined steps appear to protect the livability and safety of established residential neighborhoods.

- G. Policy II.B.5.l.: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

Policy II.B.5.l. is furthered because the proposed new facility will be energy efficient and is expected to use best practices for modern solid waste management. The facility will contain features such quick close doors and air filtration to mitigate the impacts of the facility. The Site Development Plan for Building Permit shows abundant landscaping that will improve the visual quality of the facility and by extension, surrounding area. The building will be constructed of high quality materials.

- H. Policy II.B.5.m.: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The subject site is located within a current industrial, predominantly M-1 zoned, area of the City and adjacent to parcels in the County which are currently being utilized for industrial uses. The design of the proposed buildings and facilities along with landscape and streetscape improvements while consistent with adjacent property uses is expected to improve the visual quality of the industrial area in which the subject site is located. The request furtheres Policy II.B.5.m.

### **Air Quality**

- A. Policy II.C.1.b.: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

The request furtheres Policy II.C.1.b. because the anticipated overall reduction of City-wide trip miles given the central location for this proposed transfer station, will reduce the total number miles traveled by the City solid waste collection trucks. This is because they will not have to travel west to the City landfill outside of the City. The public will have a 4th convenience center that may be closer than the City's existing locations in the far Northwest, Southeast and Southwest quadrants of the City.

- B. Policy II.C.1.c.: Traffic engineering techniques shall be improved to permit achievement and maintenance of smooth traffic flow at steady, moderate speeds.

The request furtheres Policy II.C.1.c. because the applicant's Traffic Impact Analysis shows that new trips from the proposed project will not diminish the level of service for the surrounding intersections. Moving the access point from Edith further south is anticipated to benefit the functioning of the intersection with Comanche.



C. Policy II.C.1.e.: Motor vehicle emissions and their adverse effects shall be minimized.

The request furthers Policy II.C.1.e because the proposed transfer station and convenience center will reduce the number vehicle miles travelled by City collection trucks by approximately 2 million miles annually. The new location will also reduce the number of trucks that presently use I-40 to cross the Rio Grande on their way to the west side landfill. The central location is also expected to reduce the vehicle miles traveled by the public using the convenience center who would otherwise travel further to reach another City convenience center.

D. Policy II.C.1.g.: Pollution from particulates shall be minimized.

Policy II.C.1.h.: During air stagnation episodes, activities which contribute to air pollution shall be reduced to the lowest level possible.

Policy II.C.1.k.: Citizens shall be protected from toxic air emissions.

Air quality impacts from the operations at the site will be minimized in five different ways. First, particulates and odors from the enclosed transfer station building will be minimized by the use of quick-close doors, misting systems, air curtains, and air filtration systems will keep odors and particulates from leaving the building. Second, the majority of the site will be paved and/or covered by buildings, which minimizes the emissions of airborne particulates from the site. Third, the areas of the site that are not paved will have landscape and streetscape treatments that will enhance the site, minimize dust and particulates, and the plants and trees are expected to reduce the sites' carbon footprint.. Fourth, the transfer trucks and collection trucks all have covered tops or are enclosed preventing air pollution. Finally, the air quality for the entire Albuquerque area will be improved with the implementation of the transfer station in this central location by realizing a reduction of approximately 2 million miles travelled per year by the collection truck fleet along with its associated reduction in carbon emissions and particulates.

In addition to the proposed site development plan for building permit, the applicant will also be required to secure a Solid Waste Facility Permit through the State of New Mexico Environment Department prior to the commencement of operations which regulates items such as climatology, meteorology air quality, odor and dust (NM Administrative Code 20.9.3.8). Therefore, the request furthers Policy II.C.1.g, Policy II.C.1.h. and Policy II.C.1.k.

**Water Quality**

A. Policy II.C.2.a.: Minimize the potential for contaminants to enter the community water supply.

Policy II.C.2.c.: Water quality contamination resulting from solid waste disposal shall be minimized.

The proposed grading and drainage plan will conform to the City's Drainage Ordinance and EPA MS-4 permit to comply with the first flush requirements and control water run-off. Water/oil separators will also be upgraded and located at each drainage outlet on the site. Landscaping, ponding areas and other methods will be employed to manage the site's storm water run-off. All of the solid waste deliveries and trash compaction will occur within an enclosed building limiting the opportunities for solid waste contaminants to enter the community water supply. The additional facilities will provide opportunities for trash disposal that may decrease illegal dumping and keep contaminants out of the water supply. Therefore, the request furthers Policy II.C.2.a and Policy II.C.2.c.

### **Solid Waste**

Solid Waste II.C.3: The goal is an economical and environmentally sound method of solid waste disposal which utilizes the energy content and material value of municipal solid waste.

The request furthers these goals because the proposed design incorporates best practices for solid waste collection and disposal and increases the options for recycling for members of the public.

- A. Policy II.C.3.a.: Planning and implementation of more efficient and economical methods of solid waste collection shall be continued.

The proposed facility is part of the City's long term plan to provide more efficient and economical methods of solid waste collection through the construction of a state-of-the-art transfer facility and a reduction in vehicle miles traveled for the Solid Waste Collection fleet. The request furthers Policy II.C.3.a.

- B. Policy II.C.3.b.: Encourage solid waste recycling systems which reduce the volume of waste while converting portions of the waste stream to useful products and/or energy.

The transfer station and convenience center will improve diversion and recycling efforts by keeping recyclable material out of the landfill and providing a safe disposal for household hazardous waste. The materials that will be diverted from the municipal solid waste stream and will be accepted, processed, handled, transported by the transfer station and convenience center, include mixed recyclables (paper, plastic, aluminum, glass and steel cans); household hazardous waste; scrap metal/white goods; green waste; electronic waste (E-waste); and bulky waste. Therefore, the request furthers Policy II.C.3.b.

- C. Policy II.C.3.c.: Illegal dumping shall be minimized.

The centralized location of a new convenience center will provide a low-cost disposal location for Albuquerque residents and reduce the likelihood of illegal dumping activities. The request furthers Policy II.C.3.c.

- D. Policy II.C.3.f.: Continue development of a program for managing hazardous waste generated by households and conditionally exempt small quantity generators.

The convenience center will be accessible by the public and will allow households to drop off potentially hazardous waste. However, the applicant has not provided any information regarding a condition to exempt small quantity generators. Therefore, the request furthers Policy II.C.3.f insofar as it pertains to managing hazardous waste generated by households.

### **Noise**

- A. The goal is to protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.

Policy II.C.4.a.: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

Noise considerations were integrated into the design of the project. Activity will occur in an enclosed transfer station building that will utilize high speed doors to contain interior noise. The buildings walls will utilize absorptive insulation materials to reduce any potential noise/land use conflicts. The site development plan for building permit also includes perimeter walls, landscape buffers and roof

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canopies to further mitigate noise generated by the proposed use. The request furthers the goal and Policy II.C.4.a.

### **Developed Landscape**

- A. Developed Landscape II.C.8: The Goal is to maintain and improve the natural and the developed landscape's quality.

The request furthers the goal because the proposed SU-1 zone is site plan controlled and the proposed Site Development Plan for Building Permit shows extensive landscaping along the perimeter of the site and within the site. The proposed landscape will improve the quality of the developed landscape in the area. The site currently has very minimal landscaping.

- B. Policy II.C.8.d.: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The proposed public facility will be designed to include landscaping beyond the requirements of the zoning code and will be visually pleasing, as well as serving as a screening element and assisting in controlling potential water erosion and dust. The request furthers Policy II.C.8.d.

### **Community Resource Management, Service Provision**

- A. Community Resource Management, Service Provision II.D.1: The goal is to develop and manage use of public services/facilities in an efficient and equitable manner and in accordance with other land use planning policies.

The proposed use for the subject site provides a new convenience center in a central location. The existing facilities are at the northeast, southwest and southeast edges of the city. The request more evenly distributes the public solid waste facilities and services in the city. The request furthers the Community Resource Management goal.

### **Economic Development**

- A. Economic Development II.D.6: The goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The goal is furthered because the project will use resources more efficiently and this may help to avoid future rate increases. The project also benefits the city by providing an additional location for recycling and disposal of waste.

- B. Policy II.D.6.e.: A sound fiscal position for local government shall be maintained.

Through the reduction of approximately 2 million miles travelled annually, the City of Albuquerque will save \$75 million dollars over the next 20 years. Therefore, the request furthers Policy II.D.6.e.

### **Education**

Education: The goal is to provide a wide variety of educational and recreational opportunities available to citizens from all cultural, age and educational groups.

- A. Policy II.D.7.e.: Variety and flexibility in educational and recreational resources shall be encouraged through joint use of facilities.

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The proposed use will be integrated with the existing Keep Albuquerque Beautiful program for youth, residents and businesses to help encourage sustainability through waste reduction, recycling and other diversion methods. The administration building will contain an education area to help meet this goal. The request furthers the goal and Policy II.D.7.e.

7. The subject site is within the boundaries of the North Valley Area Plan. Applicable goals and policies include:

**Goals and Issues:**

- A. Goal and Issue 1. To recognize the North Valley area as a unique and fragile resource and as an inestimable and irreplaceable part of the entire metropolitan community.

The request will discourage illegal dumping in the North Valley by providing a convenient location for disposal and recycling of household waste. The facility will reduce the number of trucks that cross the valley using I-40 to access the landfill on the west side of the city and will protect the Alameda Lateral by providing better access to the lateral for MRGCD maintenance, stabilizing slopes, and providing landscape buffer between the site and the lateral. The proposed use will also be located in an existing designated industrially zoned area of the North Valley/metropolitan community. Therefore, the request furthers NVAP Goal and Issue 1.

- B. Goal and Issue 2. To preserve and enhance the environmental quality of the North Valley by:

- a. maintaining the rural flavor of the North Valley
- b. controlling growth and maintaining low density development
- c. providing a variety of housing opportunities and life styles including differing socioeconomic types
- d. reducing noise level impacts

The rural flavor of the North Valley will be maintained because the subject site is located within a primarily industrial M-1 zoned area of the North Valley, outside of the areas currently used for agriculture and residential development. Growth will be controlled through the use of a site development plan. There are no residential uses proposed for the site. The site has been designed to reduce noise level impacts through the development of an enclosed building that will include noise absorptive insulation materials. The request furthers NVAP Goal and Issue 2.

- C. Goal and Issue 3. To preserve air, water and soil quality in the North Valley area. To prohibit hazardous waste disposal sites and transfer stations and solid waste disposal sites; and to address problems of individual waste disposal systems on lots of inadequate size.

However, the adopting legislation for the NVAP (Council Bill R-255, Enactment # 60-1993) states that Solid Waste Transfer Stations shall be allowed in the North Valley Plan area only on land zoned for manufacturing uses and only if, after thorough investigation of relative benefits and costs, such location is deemed appropriate and the potential impacts on adjacent residential land can be mitigated through proper site design.

- The subject site is zoned M-1, Light Manufacturing Zone;



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- There are no residentially zoned land parcels adjacent to the subject site; however, there are three County M-1 zoned parcels being used for residential purposes, not adjacent to the site, approximately 700' to the SW of the center of the site.
- Air quality will be preserved through a reduction of 2 million vehicle miles traveled for the Solid Waste Transfer fleet; and particulates and odors from the enclosed transfer station building will be minimized by the use of quick-close doors, misting systems, air curtains, and air filtration systems will keep odors and particulates from leaving the building. The transfer trucks and collection trucks all have covered tops or are enclosed preventing air pollution;
- The proposed SU-1 zone is site plan controlled. The proposed plan shows setbacks, landscaping buffers, walls and separation of traffic that will mitigate the impacts of the development on the nearby residential land.
- The applicant has conducted a thorough investigation of relative benefits and costs of placing the facility in various locations, and has concluded that the subject site is most beneficial to the applicant and to the public.
- While, as noted above the request does not further NVAP Goal and Issue 3, the request does satisfy the requirements of Council Bill R-255, Enactment # 60-1993.

D. Goal and Issue 5. To reduce or eliminate flooding and improve ponding and drainage capacities in the plan area.

The proposed Site Development Plan for Building Permit that accompanies the proposed SU-1 zone indicates the site is designed per the City's Drainage Ordinance which will manage the first flush and control runoff generated by contributing impervious surfaces. Water quality features, landscaping, ponding areas, and other methods will be used to further manage the site. The site will be constructed and operated in compliance with the storm water National Pollution Discharge Elimination System (NPDES) permits, the General Permit for Discharges from Construction Activities, the Multi-Sector General Permit for Discharges from Industrial Facilities, and the Municipal Separate Storm Sewer Systems (MS4) (General Permit NMR04A000). The request furthers NVAP Goal and Issue 5.

E. Goal and Issue 6. To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial

The subject site is an industrially zoned site in an existing industrially zoned area. The request meets a city need for more efficient waste management as outlined in the 2011 and 2014 feasibility studies (included). The Site Development Plan for Building Permit shows extensive landscaping and well-designed buildings. The request furthers NVAP Goal and Issue 6.

F. Goal and Issue 11. To locate commercial and industrial development within the I-25 corridor, and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/industrial development.

The subject site is located in the I-25 industrial corridor, bounded on the east by the Interstate, on the

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west by the mesa edge and the North Diversion Channel, and by the plan area boundaries on the north and south. The area is an established, industrial M-1 zoned area of the North Valley and not within the lower valley area. The request furthers NVAP Goal and Issue 11.

**Plan Policies:**

- A. Zoning and Land Use. NVAP Zoning and Land Use Policy 2.d.ii requires the use of landscape buffering and other measure necessary to limit the potential impacts of non-residential uses on residential areas, through the site plan review and approval process. The subject site plan addresses noise considerations; activity will occur in an enclosed transfer station building that will utilize high speed doors to contain interior noise. The building's walls will utilize absorptive insulation materials to reduce any potential noise/land use conflicts. The site development plan for building permit also includes perimeter walls, landscape buffers and roof canopies to further mitigate noise generated by the proposed use. The site shows extensive landscaping along the perimeter of the site and within the site. The proposed landscape will improve the quality of the developed landscape in the area. Traffic impacts will be minimized because trips from the proposed project will not diminish the level of service for the surrounding intersections, and will occur primarily at off-peak hours. Air Quality: The air quality plan policies in the NVAP direct the City and the County to inform the public about air quality reduce unauthorized vehicle traffic on the ditches, stabilize roads and parking areas and limit vehicle use on no- burn days.

The proposed project will reduce vehicle miles traveled for city collection trucks and for valley residents using the convenience center.

**Transportation:**

- A. NVAP Transportation Policy 1. The City and County shall encourage the smooth flow of traffic on arterials.

A traffic impact analysis has been completed for the project and because the new trips associated with the proposed development occur primarily outside of the morning and afternoon peak hour times, the Levels of Service (LOS) for the surrounding intersections remain as LOS D. With the routing for the collection trucks already established by the SWMD and the proposed routing for the transfer trucks, there will be no increase in truck traffic through any residential neighborhoods. In addition, the access point on Edith will be shifted south to allow for additional length between the signalized intersection of Comanche and Edith and the Edith driveway, which could help improve functionality of the signalized intersection. Therefore, the request furthers NVAP Transportation Policy 1.

- B. NVAP Transportation Policy 2. The City and County shall actively promote sustainable transportation in and through the plan area by encouraging reduced automobile use and improving the safety of non-motorized travel.

The proposed reduction in vehicle miles traveled will promote more sustainability along the transportation network by decreasing the number of trucks on Interstate 40 crossing the North Valley and Rio Grande traveling to the landfill. Therefore, the request furthers NVAP Transportation Policy 2.

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- C. NVAP Transportation Policy 3. The City and County shall limit industrial and heavy commercial traffic through residential areas in order to enhance residential stability and preserve area history and character.

The diagram submitted by the applicant shows new truck traffic associated with the proposed use occurring outside of the AM and PM peak hours, and shows the new truck traffic accessing the subject site from Interstate 25 and Comanche Rd. and exiting via the same route which does not pass through a residential area. Existing residential trash pick-up routes throughout the city will not change with the proposed use. Therefore, the request furthers NVAP Transportation Policy 3.

8. The Bikeways & Trails Facility Plan describes the existing system, policies, recommendations, and proposed projects. Applicable goals and policies include:

Goal 1: Improve and enhance cycling and pedestrian opportunities.

c. Principle: Study, pilot, test, and implement best practices and designs that have been found successful in other communities to respond to the rapidly changing state of bicycle and pedestrian practices. Implementation of this plan should allow flexibility to include new projects and techniques that are highly consistent with the plan goals.

Objective 3: Use Bicycle and Pedestrian Friendly Standards and Procedures for On-Street Bicycle Facilities and Multi-Use Trails.

Restripe collector and arterial roadways (where designated on the Bikeways Map and per NACTO and AASHTO guidelines) to provide bike lanes, or minimum outside lane width of 14 feet.

Comanche Rd. and Edith Blvd. are classified as Minor Arterials per the Interim Long Range Roadway System produced by MRCOG. There is an existing bicycle lane along Comanche Rd. and an existing bicycle route along Edith Blvd. These existing facilities currently meet required AASHTO guidelines. The request furthers Goal 1 and Objective 3 of the Bikeways & Trails Facility Plan.

9. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:

A. The proposed zone will allow the consolidation of services, provide additional options for waste disposal and recycling that will help to address illegal dumping, reduce vehicle miles traveled by city trash collection trucks and the public and allow for the redevelopment of an outdated facility with a new, more efficient facility. These improvements are consistent with the health, safety and general welfare of the City as a whole, as well as the adjacent industrial uses on nearby parcels.

B. The SU-1 zone is site plan controlled; while the proposed zoning will allow some more intense uses, the site plan provides a design that will mitigate the potential effects of these uses. Future uses on the site could only be developed in accordance with the approved site plan. Any new development on the site would require EPC approval. These factors contribute to the stability of the area. While an economic impact analysis (June 2017) estimates that adjacent property values will be negatively impacted by the proposed transfer station use on the subject property, whether this will result in a negative impact on the use of the surrounding properties is unknown.

C.

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The request is consistent with the Comprehensive Plan regarding Land Use because it will fit with the surrounding industrial uses, be in an area with access to existing urban infrastructure, adds needed services and be designed to minimize the impact on residential areas, be planned to minimize the impacts of traffic by having the bulk of traffic occur at off peak hours and include a design that uses innovative technology to mitigate the impacts of the facility.

The request is consistent with the Comprehensive Plan regarding Air Quality because it will reduce vehicle miles traveled by City trucks and the public.

The request is consistent with the Comprehensive Plan regarding Water Quality because the facility will manage storm water, conform to existing environmental regulations and provide an option for waste disposal that will keep trash and contaminants out of the water supply.

The request is consistent with the Comprehensive Plan regarding Solid Waste because the proposed design incorporates best practices for solid waste collection and disposal and increases the options for recycling and disposal for members of the public, and use the city's resources efficiently.

The request is consistent with the Comprehensive Plan regarding Developed Landscape because the facility will contain extensive landscaping that will improve the visual quality of the streetscape and prevent erosion from wind and water.

The request is consistent with the Comprehensive Plan regarding Economic Development because the proposed facility will use resources more efficiently and this may help to avoid future rate increases. The project also benefits the City as a whole by providing an additional location for recycling and drop off of waste.

The request is consistent with the North Valley Area Plan because the facility is located in the industrial area near I-25, not in the lower valley and will reduce vehicle miles traveled for city trucks crossing the valley and for the public accessing the convenience center.

The proposed zone change from M-1 to SU-1 for M-1, Solid Waste Transfer Station and Convenience Center and Hazardous Waste Collection is not in significant conflict with adopted elements of the Comprehensive Plan or the North Valley Area Plan; *see detailed discussion in Findings 6 and 7 above.*

D. The existing zoning is inappropriate because changed neighborhood or community conditions justify the change, and because the proposed use category is more advantageous to the community as articulated by the Comprehensive Plan.

Changed Community Conditions. The current zoning (M-1) has been in effect for approximately 30 years during which time the population in Albuquerque has increased approximately 67%. This increased density and urbanization has changed the city as a whole and the Edith corridor in particular. As development reached natural limits on the north, east, and south sides of the City and made large expansions on the west side, this corridor became a central location of the City. It is a natural industrial area because of its centrality and location near both interstates. The Applicant has demonstrated that these community changes make the industrial area along the I-25/ Edith corridor a central location for the proposed use in an area with access to both interstates.

More Advantageous to the Community. The applicant provided analysis of the applicable goals and policies of Comprehensive Plan, the North Valley Area Plan, and the Bikeways & Trails Facility Plan,



to show that the proposed change is more advantageous to the community than the existing M-1 zone, as articulated in those plans.

The feasibility studies done in 2011 and 2014 demonstrate the need for the change from the existing M-1 zone, and also demonstrate that the subject site was compared to, and is more advantageous to the community than, other sites in the City. The subject site was chosen through this process and is available for development.

The SU-1 zone is more advantageous to the community than the existing M-1 zone, because the proposed use is special because of infrequent occurrence, effect on surrounding property and because the appropriateness of the use to a specific location is dependent on the character of the site design; the nearby residential developments can be protected from air quality, traffic, visual and noise impacts by the site plan process.

E. The subject site is an industrially zoned site, M-1, within an existing industrial zoned area. The site plan controls and mitigate measures such as an enclosed building with quick close doors, air filtration, landscape buffers and walls make the additional uses for the facility not harmful to the adjacent properties, and compatible with the existing development. There is potential for a negative impact on land values for the commercial /industrial property adjacent to the site.

F. The project will use city funds, but these funds are planned for this project and will not be unprogrammed.

G. Economic considerations pertaining to the applicant are not the determining factor in EPC approval of this zone change.

H. While the location of the site is important to the request, the applicant has justified the request in section C by showing that the proposed zone furthers applicable goals and policies.

I. The SU-1 zone is considered a spot zone, but a justified spot zone, because it clearly facilitates the realization of the Comprehensive Plan, the North Valley Area Plan, as follows:

The request is consistent with the Comprehensive Plan regarding Land Use because it will fit with the surrounding industrial uses, be in an area with access to existing urban infrastructure, add services and be designed to minimize the impact on residential areas, be planned to minimize the impacts of traffic by having the bulk of traffic occur at off peak hours and include a design that uses innovative technology to mitigate the impacts of the facility.

The request is consistent with the Comprehensive Plan regarding Air Quality because it will reduce vehicle miles traveled by City trucks and the public.

The request is consistent with the Comprehensive Plan regarding Water Quality because the facility will manage storm water, conform to existing environmental regulations and provide an option for waste disposal that will keep trash and contaminants out of the water supply.

The request is consistent with the Comprehensive Plan regarding Solid Waste because the proposed design incorporates best practices for solid waste collection and disposal and increases the options for recycling and disposal for members of the public, and use the city's resources efficiently.

The request is consistent with the Comprehensive Plan regarding Developed Landscape because the

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facility will contain extensive landscaping that will improve the visual quality of the streetscape and prevent erosion from wind and water.

The request is consistent with the Comprehensive Plan regarding Economic Development because the proposed facility will use resources more efficiently and this may help to avoid future rate increases. The project also benefits the city by providing an additional location for recycling and drop off of waste.

The request is consistent with the North Valley Area Plan because the facility is located in the industrial area near I-25, not in the lower valley and will reduce vehicle miles traveled for city trucks crossing the valley and for the public accessing the convenience center.

The proposed zone change from M-1 to SU-1 for M-1, Solid Waste Transfer Station and Convenience Center and Hazardous Waste Collection is not in significant conflict with adopted elements of the Comprehensive Plan or the North Valley Area Plan; *see detailed discussion in Findings 6 and 7 above.*

J. The proposed zoning would not create a “strip of land” with a different zone.

10. The Greater Gardner Neighborhood Association, Near North Valley Neighborhood Association, North Edith Commercial Corridor Association, Stronghurst Improvement Association and the North Valley Coalition were notified of the request. A facilitated meeting was offered but was declined. The affected neighborhood associations indicated that if the request was deferred from the January hearing, they would be able to attend a facilitated meeting. A facilitated meeting did not occur.
11. Property owners within 100 feet of the site were notified of the request.
12. Staff received several letters opposing the request. Concerns include increased traffic, trash falling off of trash trucks, the impact on home prices in the area, an increase in rodent and bird activity in the area due to the expanded uses at the site, the possible impact on the health of area residents, including concerns that the area already contains several uses that impact the air quality. The proposed SU-1 zone imposes site plan controls which allow reasonable mitigation of traffic, air quality, noise and other concerns regarding adverse impacts on neighboring properties.
13. Letters from businesses near the site were also submitted expressing concern that the proposed transfer station will negatively impact their business because of heavy traffic, trash blowing off of the site, idling trucks, noise, smells and rodents, impact on employees' health and access to businesses blocked by trucks or the public waiting to enter the facility. The proposed SU-1 zone imposes site plan controls which allow reasonable mitigation of traffic, air quality, noise and other concerns regarding adverse impacts on neighboring properties.
14. This case was deferred from the January 2017 to the March 2017 hearing to allow time for the completion of an Economic Impact Analysis. The case was then deferred month until the July 2017 hearing when the Economic Impact Analysis was made available. The case was deferred from the

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July 2017, to the September 14, 2017 hearing, to allow time for the applicant to review the Economic Analysis and to allow legal counsel for the neighborhoods to be present.

15. The Economic Impact Analysis found that the extent of the impact from the proposed project occurs about .5 miles from the proposed project. A total of 414 properties are impacted. Within a half-mile from proposed ETS, there are 125 existing businesses employing 2,170 persons and having \$439 million in annual sales. The analysis finds no evidence to support that the potential traffic increase due to the proposed ETS leads to a reduction in business sales in the future or that there are expected to be significant increases in costs for the businesses in the project area due to proposed ETS. Results indicate that only land values are impacted by the proposed ETS, not the value of buildings and improvements. The analysis estimates that the value of property directly adjacent to the proposed project could decline by 12% and that the possible negative valuation impact decreases further away from the proposed project. The analysis attributes approximately 60 % of the impact to the proposed convenience center and 40% to the due to the proposed transfer station. Of the total land value loss regardless of distance from the subject site, 85% (\$4.2 million) is estimated to be lost by commercial property owners, 4% (\$196 thousand) is estimated to be lost by residential property owners and 11% (\$520 thousands) by vacant property owners.
16. Pursuant to the City of Albuquerque Zoning Code §14-16-4-1(C)(15)(g), the EPC will make a recommendation to City Council regarding this matter.

**CONDITIONS 16EPC-40077:**

1. The zone map amendment does not become effective until the accompanying site development plan is signed off by the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirement is not met within six months after the date of City Council approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

**FINDINGS 16EPC-40078 Site Development Plan for Building Permit:**

1. This is a request for a Site Development Plan for Building Permit for all or a portion of northerly portion of Tract 107B1A1, Tract 107B1A1 excluding portion to right-of-way & excluding a northerly portion, Tract 107B1A2 excluding portion to right-of-way, Tract in the SW corner-Tract 107B1B, Tract 108A3A1A, Tract 108A3A1B, and Tract 108A3B, Tracts 108A1A2B1B & 108A1A2B2, Tract 108A1A2B1A, Tract 107B2A2 excluding portion to the right-of-way, Tract 107B2A1 excluding portion to the right-of-way, MRGCD MAP #33 located on Edith Blvd, between Comanche RD and Rankin Rd and containing approximately 22 acres.
2. The applicant proposes a Site Development Plan for Building Permit to include a transfer station / convenience center building, an administrative building, vehicle maintenance building, and a household hazardous waste building. A parking structure, bin repair area and recycling drop-off area

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are also proposed. The subject site is approximately 22 acres and is located at the southeast corner of Edith and Comanche.

3. A Zone Map Amendment (16-EPC 40077) is heard concurrently with request.
4. The Albuquerque/Bernalillo County Comprehensive Plan, North Valley Area Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. 16-EPC 40077 Findings 6, 7 and 8 are adopted by reference; the Site Development Plan for Building Permit is in compliance with adopted City plans and policies.
6. The Greater Gardner Neighborhood Association, Near North Valley Neighborhood Association, North Edith Commercial Corridor Association, Stronghurst Improvement Association and the North Valley Coalition were notified of the request. A facilitated meeting was offered but was declined. The affected neighborhood associations indicated that if the request was deferred from the January hearing, they would be able to attend a facilitated meeting. A facilitated meeting did not occur.
7. The Greater Gardner Neighborhood Association and Sysco Foods asked that the case be deferred until the February 2017 hearing to allow more time for review. The North Valley Coalition Supported this request.
8. Property owners within 100 feet of the site were notified of the request.
9. Staff received several letters opposing the request. Concerns include increased traffic, trash falling off of trash trucks, the impact on home prices in the area, an increase in rodent and bird activity in the area due to the expanded uses at the site, the possible impact on the health of area residents, including concerns that the area already contains several uses that impact the air quality. The site plan reasonably controls and mitigates traffic, air quality, noise and other concerns regarding adverse impacts on neighboring properties.
10. Letters from businesses near the site were also submitted expressing concern that the proposed transfer station will negatively impact their business because of heavy traffic, trash blowing off of the site, idling trucks, noise, smells and rodents, impact on employees' health and access to businesses blocked by trucks or the public waiting to enter the facility. The site plan reasonably controls and mitigates traffic, air quality, noise and other concerns regarding adverse impacts on neighboring properties.



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11. This case was deferred from the January 2017 to the March 2017 hearing to allow time for the completion of an Economic Impact Analysis. The case was then deferred month until the July 2017 hearing when the Economic Impact Analysis was made available. The case was deferred from the July 2017, to the September 14, 2017 hearing, to allow time for the applicant to review the Economic Analysis and to allow legal counsel the neighborhoods to be present.
12. The Economic Impact Analysis found that the extent of the impact from the proposed project occurs about .5 miles from the proposed project. A total of 414 properties are impacted. Within a half-mile from proposed ETS, there are 125 existing businesses employing 2,170 persons and having \$439 million in annual sales. The analysis finds no evidence to support that the potential traffic increase due to the proposed ETS leads to a reduction in business sales in the future or that there is significant increase of cost for the businesses in the project area due to proposed ETS. Results indicate that only land values are impacted by the proposed ETS, not the value of building and improvement. The analysis estimates that the value of property directly adjacent to the proposed project could decline by 12% and that the impact decreases further away from the proposed project. The analysis attributes approximately 60 % of the impact to the proposed convenience center and 40% to the due to the proposed transfer station. Of the total land value loss, without regard to distance from the proposed uses, 85% (\$4.2 million) is estimated to be lost by commercial property owners, 4% (\$196 thousand) to be lost by residential property owners and 11% (\$520 thousands) by vacant property owners.

**CONDITIONS 16EPC-40078**

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. The applicant shall address transportation and solid waste comments prior to DRB submittal
4. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.
5. City Council approval of the necessary zoning (16EPC- 40077) is required.

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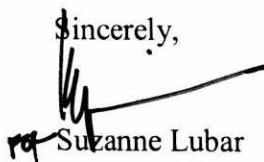
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**PROTEST:** It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation. If you wish to protest this decision, you must do so within 15 days of the EPC's decision or by **NOVEMBER 27, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the protest.

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

Sincerely,



Suzanne Lubar  
Planning Director

SL/MG

cc: COA Dept. Of Municipal Development, P.O. Box 1293, ABQ, NM 87103  
Savina Garcia, Wilson & Co., Inc., 4900 Lang Ave. NE, ABQ, NM 87109  
Greater Gardner N.A. (GRG) "R", David Wood, 158 Pleasant NW, ABQ, New Mexico 87107  
Greater Gardner N.A. (GRG) "R", Antoinette Vigil, 215 San Andres NW, ABQ, New Mexico 87107  
Near North Valley N.A. (NNV) "R", Joe Sabatini, 3514 6<sup>th</sup> St. NW, ABQ, New Mexico 871074  
Near North Valley N.A. (NNV) "R", Randy Cole, 1501 Los Arboles NW, ABQ, New Mexico 87107  
North Edith Commercial Corridor Assoc., Robert Warrick, 444 Niagara NE, ABQ, New Mexico 87113  
North Edith Commercial Corridor Assoc., Christine Benavidez, 10417 Edith NE, ABQ, New Mexico 87113  
Stronghurst Improvement Assoc., (SIA) "R", Bill Sabatini, 2904 Arno St. NE, ABQ, New Mexico 87113  
Stronghurst Improvement Assoc., (SIA) "R", Mark Lines, 3010 Arno St. NE, ABQ, New Mexico 87107

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North Valley Coalition, Peggy Norton, P.O. Box 70232, ABQ, New Mexico 87197  
North Valley Coalition, Doyle Kimbrough, 2327 Campbell Rd. NW, ABQ, New Mexico 87104  
Tim Flynn-O'Brien, 817 Gold Ave. SW, ABQ, NM 87102  
Larry Stepp, 4404 Edith NW, ABQ, NM 87107  
Marian Pavioni, 4013 Tulane NE, ABQ, NM 87107  
Jennifer Parker, 1613 Bayita Ln NW, ABQ, NM 87107  
KC Pavioni, 4013 Tulane Dr NE, ABQ, NM 87107  
Dan Waldman, UNM Health Clinic, 2211 Lomas NE, ABQ, NM 87106  
Marcia Finical, 141 Griegos Rd NW, ABQ, NM 87107  
Debbie O'Malley, One Civic Plaza NW, ABQ, NM 87102  
Carol Chamberland, 609 San Lorenzo Ave NW, ABQ, NM 87107  
Patricia Martinez, 512 Grecian NW, ABQ, NM 87107  
Denise Wheeler, 3564 Rio Grande Blvd. NW, ABQ, NM 87107  
Harry Hendrikson, 10592 Rio Del Sole Ct. NW, ABQ, NM 87114  
Cheryl Hamel, 10644 Fountain Ct. NW, ABQ, NM 87114  
Tova Indritz, 524 Griegos Rd NW, ABQ, NM 87107  
Pat Maloy, 535 Comance Rd, ABQ, NM 87107  
Kasey Pavoui, 4013 Tulane NE, ABQ, NM 87107  
Frank & Trinney Barela, 205 Griegos Rd, ABQ, NM 87107  
Camille Varoz, 427 El Paraiso Rd NW, Los Ranchos, NM 87107  
Antoinette Vigil, 215 San Andres Ave NW, ABQ, NM 87107  
Andres Valdez, 212 Valencia NE #13, ABQ, NM 87110  
Jen Parker, 1613 Bayita Lane NW, ABQ, NM 87107  
Eleanor Walter, 2212 Camino del los Artesanos NW, ABQ, NM 87107  
John Campbell, 100 Sun Ave NE #410, ABQ, NM 87109  
Katherine Flamm, 524 Chamiso Ln NW, Los Ranchos, NM 87107  
Loren Kahn, 4913 Guadalupe Tr. NW, ABQ, NM 87107  
Isabelle Kessler, 4413 Guadalupe Trail NW, ABQ, NM 87107  
Kristine Suozzi, 1312 Bryn Mawr NE, ABQ, NM 87106  
Eleanor Warther, 2212 Camino de Artesanos NW, ABQ, NM 87107  
Robert Nelson, 1106 12<sup>th</sup> St. NW, ABQ, NM 87104  
Scott Hale, 2321 Camino de Los Artesanos NW, ABQ, NM 87107  
Joan Robins, 3565 Rio Grande NW, ABQ, NM 87107  
Guy Conway, 3021 Casa Del Norte NE, ABQ, NM 87111  
Elias Archuleta, 2400 Broadway NE, ABQ, NM 87102  
Dr. Joe Valles, 5020 Grande Vista Ct NW, ABQ, NM 87120